

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:)	Chapter 11
)	
BAY CIRCLE PROPERTIES, LLC, <i>et al.</i> , ¹)	Case No. 15-58440-wlh
)	
Debtors.)	(Jointly Administered)
)	

**BAY POINT CAPITAL PARTNERS, LP'S
RESPONSE TO UNITED STATES TRUSTEE'S MOTION TO DISMISS**

Bay Point Capital Partners, LP ("Bay Point"), by and through the undersigned counsel, hereby files this Response to the United States Trustee's Motion to Dismiss or Convert (the "Motion") (Doc. No. 796). In support thereof, Bay Point respectfully shows the Court:

RESPONSE

Bay Point acknowledges that Bay Circle Properties LLC (the "Debtor") has not timely filed Monthly Operating Reports. As the Court is aware, however, Bay Point has a secured indemnity claim against one or more of the Debtors arising from the Adversary Proceeding that is now before the Court, styled *Thakkar, et. al. v. Bay Point Capital LP, et al.*, Case No. 17-02548. Accordingly, Bay Point believes that the Debtors' bankruptcy cases are best left pending before the Court until all matters involving the Debtors have been resolved. To the extent the Court feels it is necessary, Bay Point believes that a conversion of this case to one under Chapter 7 or the appointment of a Chapter 11 Trustee are better alternatives to dismissal.

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Bay Circle Properties, LLC (1578), DCT Systems Group, LLC (6978), Sugarloaf Centre, LLC (2467), Nilhan Developers, LLC (6335), and NRCT, LLC (1649) and are collectively referred to herein as "Debtors").

Respectfully submitted this 27th day of November 2017.

/s/ John F. Isbell

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing BAY POINT CAPITAL PARTNERS, LP'S RESPONSE TO UNITED STATES TRUSTEE'S MOTION TO DISMISS with the Clerk of Court using the CM/ECF system which will provide automatic notification of such filing to the following:

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This 27th day of November 2017.

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